

# NINETY-FIRST DAY

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SUNDAY, JUNE 1, 1997

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## PROCEEDINGS

The Senate met at 1:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend John R. Pitts, Senate Chaplain, offered the invocation as follows:

Lord, make us instruments of Your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Grant that we may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

### P R O C L A M A T I O N

BY THE

GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **SB 1610** because of the following objection:

**SB 1610** permits the release of inmates from the custody of the Texas Department of Criminal Justice before their parole or mandatory release dates.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 31st day of May, 1997.

/s/George W. Bush  
Governor of Texas

#### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 17, SB 121, SB 361, SB 381, SB 521, SB 534, SB 542, SB 581, SB 583, SB 609, SB 642, SB 823, SB 839, SB 897, SB 987, SB 1066, SB 1114, SB 1161, SB 1176, SB 1190, SB 1249, SB 1292, SB 1678, SB 1715, SB 1752, SB 1831, SB 1910, SCR 29, SCR 44, SCR 75, SCR 106, SCR 107, SCR 108**

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 1 ADOPTED**

Senator Brown called from the President's table the Conference Committee Report on **SB 1**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Brown, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

(Senator Truan in Chair)

(President in Chair)

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 35 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **SB 35**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator West, the Conference Committee Report was adopted by a viva voce vote.

(Senator Truan in Chair)

#### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1150 ADOPTED**

Senator Shapiro called from the President's table the Conference Committee Report on **HB 1150**. The Conference Committee Report was read and was filed with the Senate on Friday, May 30, 1997.

On motion of Senator Shapiro, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 907 ADOPTED**

Senator Shapiro called from the President's table the Conference Committee Report on **HB 907**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Shapiro, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 875 ADOPTED**

Senator Shapiro called from the President's table the Conference Committee Report on **SB 875**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Shapiro, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 862 ADOPTED**

Senator Armbrister called from the President's table the Conference Committee Report on **SB 862**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Armbrister, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1107 ADOPTED**

Senator Moncrief called from the President's table the Conference Committee Report on **HB 1107**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Moncrief, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1596 ADOPTED**

Senator Moncrief called from the President's table the Conference Committee Report on **HB 1596**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Moncrief, the Conference Committee Report was adopted by a viva voce vote.

**BILLS AND RESOLUTION SIGNED**

The Presiding Officer announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

**HB 39, HB 99, HB 629, HB 966, HB 1820, HB 2252, HB 2777, HB 2906, HB 2918, HB 2964, HB 3061, HB 3234, HB 3263, HCR 302**

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

On motion of Senator Madla and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation the nominees severed on April 25, 1997, and Thursday, May 22, 1997.

Senator Barrientos moved confirmation of the nominees to the Texas Board of Nursing Facility Administrators severed on Friday, April 25, 1997, and to the Southwest Travis County Water District Board of Directors severed on Thursday, May 22, 1997.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following severed nominees were confirmed by the following vote: Yeas 31, Nays 0.

Members, Texas Board of Nursing Facility Administrators: RAMONA DOVER KENNEDY, Denton County; JACK RAY TINSLEY, Collin County; JERRY TURNER, Hill County; AUDREY G. WILLIAMSON, Bastrop County.

Members, Southwest Travis County Water District Board of Directors: D. JARRETT BATES, Travis County; KIRBY L. BROWN, Travis County; KEVIN CROMACK, Travis County; COLIN G. HAZA, Travis County; MARK C. KELLING, Travis County; KENNETH BRUCE LEVINE, Travis County; DUNCAN C. NORTON, Travis County; DARLENE ROJAS-WILSON, Travis County; JOHN FRANCIS WILLIAMS, Travis County.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1550 ADOPTED**

Senator Harris called from the President's table the Conference Committee Report on **HB 1550**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Harris, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 343 ADOPTED**

Senator Harris called from the President's table the Conference Committee Report on **SB 343**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Harris, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 793 ADOPTED**

Senator Harris called from the President's table the Conference Committee Report on **HB 793**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Harris, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2846 ADOPTED**

Senator Madla called from the President's table the Conference Committee Report on **HB 2846**. The Conference Committee Report was read and was filed with the Senate on Thursday, May 29, 1997.

On motion of Senator Madla, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2697 ADOPTED**

Senator Ellis called from the President's table the Conference Committee Report on **HB 2697**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Ellis, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 951 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **HB 951**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Wentworth, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1285 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **HB 1285**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Wentworth, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 3157 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **HB 3157**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 383 ADOPTED**

Senator Cain called from the President's table the Conference Committee Report on **SB 383**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Cain, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1253 ADOPTED**

Senator Ellis called from the President's table the Conference Committee Report on **SB 1253**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Ellis, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 972 ADOPTED**

Senator Whitmire called from the President's table the Conference Committee Report on **HB 972**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Whitmire, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 384 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **SB 384**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Nelson, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 247 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **SB 247**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1425 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **SB 1425**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1525 ADOPTED**

Senator Sibley called from the President's table the Conference Committee Report on **HB 1525**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Sibley, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1526 ADOPTED**

Senator Sibley called from the President's table the Conference Committee Report on **HB 1526**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Sibley, the Conference Committee Report was adopted by a viva voce vote.

**SENATE RESOLUTION 992**

Senator Sibley offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 75th Legislature, Regular Session, 1997, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 932** to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add new SECTIONS 35, 36, and 38 through 40 of the bill to read as follows:

SECTION 35. Section 481.151, Government Code, is amended to read as follows:

Sec. 481.151. DEFINITIONS. In this subchapter:

(1) "Business development" includes relocation, expansion, turnover, diversification, or technological change.

(2) "Demand occupation" means an occupation in which, as a result of business development, there are or will be positive growth-to-replacement ratios within the next 12 to 24 months, according to the best available sources of state and local labor market information.

(3) "Emerging occupation" means an occupation that arises from forces related to technological changes in the workplace and the work of which cannot be performed by workers from other occupations without at least two months of customized education or training.

(4) "Employee" means an individual who performs services for another under a contract of hire, whether express or implied, or oral or written.

(5) [(4)] "Employer" means a person that employs one or more employees.

(6) [(5)] "Executive director" means the executive director of the department.

(7) [(6)] "Existing employer" means an employer that:

(A) has been liable to pay contributions under Subtitle A, Title 4, Labor Code ~~[(the) Texas Unemployment Compensation Act] [(Article 5221b-1 et seq., Vernon's Texas Civil Statutes)]~~ for more than one year;

(B) has employees; and

(C) is in compliance with the reporting and payment requirements of that Act, as determined by the Texas Workforce ~~[Employment]~~ Commission.

(8) [(7)] "Family wage job" means a job that offers:

(A) wages equal to or greater than the state average weekly wage;

(B) benefits, such as vacation leave, sick leave, and insurance coverage;

(C) reasonable opportunities for continued skill development and career path advancement; and

(D) a substantial likelihood of long-term job security.

(9) [(8)] "In-kind contribution" means a noncash contribution of goods and services provided by an employer as all or part of the employer's matching share of a grant or project.

(10) [(9)] "Job" means employment on a basis customarily considered full-time for the applicable occupation and industry.

(11) "Manufacturing occupation" means an occupation that is involved in the mechanical or chemical transformation of materials or substances into new products.

(12) "Micro-business" means an eligible business with not more than 20 employees.

(13) [(10)] "Minority employer" means a business entity at least 51 percent of which is owned by minority group members or, in the case of a corporation, at least 51 percent of the shares of which are owned by minority group members and that:

(A) is managed and, in daily operations, is controlled by minority group members; and

(B) is a domestic business entity with a home or branch office located in this state and is not a branch or subsidiary of a foreign corporation or other foreign business entity.

(14) [(11)] "Minority group members" include:

(A) African-Americans;

(B) American Indians;

(C) Asian-Americans; ~~and~~

(D) Mexican-Americans and other Americans of Hispanic origin; and

(E) women.

(15) [(12)] "Program" means the smart jobs fund program created under this subchapter.

(16) [(13)] "Project" means a specific employment training project developed and implemented under this subchapter.

(17) [(14)] "Provider" means a person that provides employment-related training. The term includes employers, employer associations, labor organizations, community-based organizations, training consultants, public and private schools, technical institutes, junior or community colleges, senior colleges, universities, and proprietary schools, as defined by Section 132.001, Education Code.

(18) "Small business" has the meaning assigned that term by Section 481.101.

(19) [(15)] "State average weekly wage" means the annual average of the average weekly wage of manufacturing production workers in this state



as of September 1 of each year, as determined by the Texas Workforce [Employment] Commission [~~under Section 3(b), Texas Unemployment Compensation Act (Article 5221b-1, Vernon's Texas Civil Statutes)~~], adjusted for regional variances.

(20) [(16)] "Targeted industry" means an industry that promotes high-skill, high-wage jobs using Texas-available material and human resources, as determined by the department.

(21) [(17)] "Trainee" means a participant in a project funded under this subchapter.

(22) [(18)] "Wages" means all forms of compensation or remuneration, excluding benefits, payable for a specific period to an employee for personal services rendered by that employee.

SECTION 36. Section 481.154, Government Code, is amended to read as follows:

Sec. 481.154. FUNDING. (a) The smart jobs fund is established as a special trust fund in the custody of the state treasurer separate and apart from all public money or funds of this state. The fund is composed of:

(1) money transferred into the fund under Section 204.123, Labor Code [9c, ~~Texas Unemployment Compensation Act (Article 5221b-1 et seq., Vernon's Texas Civil Statutes)~~];

(2) gifts, grants, and other donations received by the department for the fund; and

(3) any amounts appropriated by the legislature for the program.

(b) The program is funded through the smart jobs fund.

(c) Money in the smart jobs fund may be used for program administration, marketing expenses, and evaluation of the program. These costs of the department in any fiscal year may not exceed five percent of the total amount appropriated for the program for [~~funds deposited in the smart jobs fund in~~] that year.

(d) If, during any three consecutive months, the balance in the smart jobs fund exceeds 0.15 percent of the total taxable wages for the four calendar quarters ending the preceding June 30, as computed under Section 204.062(c), Labor Code [7(c)(8), ~~Texas Unemployment Compensation Act (Article 5221b-5, Vernon's Texas Civil Statutes)~~], the executive director shall immediately transfer the excess to the Unemployment Compensation Fund created under Section 203.021, Labor Code [9(a), ~~Texas Unemployment Compensation Act (Article 5221b-7, Vernon's Texas Civil Statutes)~~].

SECTION 38. Section 481.156(a), Government Code, is amended to read as follows:

(a) The following may apply for a grant under this subchapter:

(1) one or more employers to secure training for demand occupations, emerging occupations, or manufacturing occupations [~~in a particular industry~~];

(2) one or more employers acting in partnership with an employer organization, labor organization, or community-based organization to secure training for demand occupations, emerging occupations, or manufacturing occupations [~~in a particular industry~~]; or

(3) one or more employers acting in partnership with a consortium composed of ~~[one or] more than one provider [providers]~~ to secure training for demand occupations, emerging occupations, or manufacturing occupations ~~[in a particular industry]~~.

SECTION 39. Section 481.159(c), Government Code, is amended to read as follows:

(c) Each contract must provide a schedule for payment of smart jobs fund money. Twenty-five percent of allowable expenditures ~~[the grant award]~~ shall be withheld by the department for 90 days after the date of completion of the contract ~~[project]~~. If at least 85 percent [all] of the trainees in the project have been retained in employment for that 90-day period and have successfully achieved the skills and competencies, wage requirements, and other contractual obligations, the amount of allowable expenditures ~~[the grant award]~~ withheld shall be remitted to the employer. ~~[For each trainee who is not retained in employment for that 90-day period, the amount withheld shall be reduced by the amount of the training costs for that trainee that is derived from grant money, and any balance shall be remitted to the employer.]~~ If there is a negative balance, the employer is liable for the amount of the negative balance and shall remit that amount to the department not later than the 30th day after the date on which the employer is notified of the negative balance by the department.

SECTION 40. Section 481.160(b), Government Code, is amended to read as follows:

(b) The annual report must include for that fiscal year:

- (1) the number of employers receiving grants under the program;
- (2) the total amount of grants awarded;
- (3) the value, expressed in dollars and as a percentage of total training expenditures, of matching contributions made by employers;
- (4) the number of small businesses, as defined by Section 481.101(3), that receive grants under the program and the total amount of the grants awarded to those businesses;
- (5) the number of businesses located in enterprise zones, as that term is defined by Chapter 2303, that receive grants under the program and the total amount of the grants awarded to those businesses;
- (6) the geographical distribution of employers receiving grants under the program;
- (7) the total number of jobs created, enhanced, or retained under the program, reported by region of the state and by occupation;
- (8) the wage levels of trainees entering or returning to the work force, broken down by current employees undergoing retraining and new hires, at three months and ~~[;] one year[, and three years]~~ after the conclusion of their training;
- (9) the number and percentage of participating employers that provide workers' compensation insurance coverage and the number and percentage of employees covered;
- (10) the number and percentage of participating employers that offer health care insurance coverage and the number and percentage of employees covered;

(11) the number and percentage of women employers and minority employers receiving grants under the program and the total amount of the grants awarded, broken out by group;

(12) the number and percentage of women, minority group members, and disabled individuals participating as trainees in training projects, broken out by group; and

(13) the number and percentage of women private providers and private providers who are minority group members utilized by employers in training projects, broken out by group.

Explanation: These additions are necessary to modify the provisions regarding administration of and participation in the Smart Jobs Fund Program.

The resolution was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 932 ADOPTED**

Senator Sibley called from the President's table the Conference Committee Report on **SB 932**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Sibley, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2001 ADOPTED**

Senator Sibley called from the President's table the Conference Committee Report on **HB 2001**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Sibley, the Conference Committee Report was adopted by a viva voce vote.

**RECORD OF VOTE**

Senator Ellis asked to be recorded as "Present-not voting" on the adoption of the Conference Committee Report.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 3207 ADOPTED**

Senator Armbrister called from the President's table the Conference Committee Report on **HB 3207**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Armbrister, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2272 ADOPTED**

Senator Armbrister called from the President's table the Conference Committee Report on **HB 2272**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Armbrister, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 385 ADOPTED**

Senator Sibley called from the President's table the Conference Committee Report on **SB 385**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Sibley, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 382 ADOPTED**

Senator Madla called from the President's table the Conference Committee Report on **SB 382**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Madla, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1563 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **SB 1563**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Wentworth, the Conference Committee Report was adopted by a viva voce vote.

**SENATE RESOLUTION 993**

Senator Bivins offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 75th Legislature, Regular Session, 1997, That Senate Rule 12.03, be suspended in part as provided by Senate Rule 12.08, to enable the conference committee appointed to resolve the differences on **SB 1873** to consider and take action on the following:

(1) Senate Rule 12.03(4) is suspended to permit the committee to amend Section 29.008(b), Education Code, to read as follows:

(b) Except as provided by Subsection (c), costs of an approved contract for residential placement may be paid from a combination of federal, state, and local funds. The local share of the total contract cost for each student is that portion of the local tax effort that exceeds the district's local fund assignment under Section 42.252, divided by the average daily attendance in the district. If the contract involves a private facility, the state share of the total contract cost is that amount remaining after subtracting the local share. If the contract involves a public facility, the state share is that amount remaining after subtracting the local share from the portion of the contract that involves the costs of instructional and related services. For purposes of this subsection, "local tax effort" means the total amount of money generated

by taxes imposed for debt service and maintenance and operation less any amounts paid into a tax increment fund under Chapter 311, Tax Code.

Explanation: This change is necessary to remove taxes paid by a school district into a tax increment fund from the computation of the district's local share of a residential placement contract for a special education student.

(2) Senate Rule 12.03(4) is suspended to permit the committee to add Section 30.003(h), Education Code, to read as follows:

(h) For the 1998-1999 state fiscal biennium, the commissioner shall transfer from the Foundation School Program to the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf the amount necessary to reimburse each school for the decrease resulting from H.B. No. 4, Acts of the 75th Legislature, Regular Session, 1997, in a school district's local share of the cost of a student's education at the school for the 1997-1998 or 1998-1999 school year. This subsection expires September 1, 1999.

Explanation: This change is necessary to allow the commissioner of education to transfer state funds to the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf to offset reductions in local funds that those schools may incur because of the increased residential homestead exemption proposed by H.J.R. No. 4 and H.B. No. 4.

(3) Senate Rule 12.03(4) is suspended to permit the committee to amend Section 41.002(f), Education Code, to read as follows:

(f) For purposes of Subsection ~~Subsections (d) and~~ (e), a school district's effective tax rate is determined by dividing the total amount of taxes collected by the district for the applicable school year less any amounts paid into a tax increment fund under Chapter 311, Tax Code, by the quotient of the district's taxable value of property, as determined under Subchapter M, Chapter 403, Government Code, divided by 100. This subsection expires September 1, 2000 ~~[1998]~~.

Explanation: This change is necessary to remove taxes paid by a school district into a tax increment fund from the computation of the district's effective tax rate for purposes of the "hold-harmless" provision of Chapter 41, Education Code.

(4) Senate Rules 12.03(1), (3), and (4) are suspended to permit the committee to amend Section 41.093, Education Code, to read as follows:

Sec. 41.093. COST. (a) The cost of each credit is an amount equal to the greater of:

(1) the amount of the district's maintenance and operations ~~[total]~~ tax revenue per student in weighted average daily attendance for the school year for which the contract is executed; or

(2) the amount of the statewide district average of maintenance and operations ~~[total]~~ tax revenue per student in weighted average daily attendance for the school year preceding the school year for which the contract is executed.

(b) For purposes of this section, a school district's maintenance and operations tax revenue does not include any amounts paid into a tax increment fund under Chapter 311, Tax Code.

Explanation: This change is necessary to avoid conflicting language in Section 41.093, Education Code, as amended by S.B. No. 1873 and as amended by H.B. No. 4, and to remove taxes paid by a school district into a tax increment fund from the computation of the district's cost of an attendance credit under Subchapter D, Chapter 41, Education Code.

(5) Senate Rule 12.03(4) is suspended to permit the committee to amend Section 41.097(a), Education Code, to read as follows:

(a) The total amount required under Section 41.093 for a district to purchase attendance credits under this subchapter for any school year is reduced by an amount equal to the product of the district's costs under Section 6.06, Tax Code, for the central appraisal district in which it participates multiplied by a percentage that is computed by dividing the total amount required under Section 41.093 by the total amount of taxes imposed in the district for that year less any amounts paid into a tax increment fund under Chapter 311, Tax Code.

Explanation: This change is necessary to remove taxes paid by a school district into a tax increment fund from the computation of the credit for appraisal district costs in the district's cost of an attendance credit under Subchapter D, Chapter 41, Education Code.

(6) Senate Rule 12.03(4) is suspended to permit the committee to amend Section 41.099, Education Code, to read as follows:

Sec. 41.099. LIMITATION. (a) Sections 41.002(e), 41.094, 41.097, and 41.098 apply only to a district that:

(1) executes an agreement to purchase all attendance credits necessary to reduce the district's wealth per student to the equalized wealth level; ~~or~~

(2) executes an agreement to purchase attendance credits and an agreement under Subchapter E to contract for the education of nonresident students who transfer to and are educated in the district but who are not charged tuition; ~~or~~

(3) executes an agreement under Subchapter E to contract for the education of nonresident students:

(A) to an extent that does not provide more than 10 percent of the reduction in wealth per student required for the district to achieve a wealth per student that is equal to or less than the equalized wealth level; and

(B) under which all revenue paid by the district to other districts, in excess of the reduction in state aid that results from counting the weighted average daily attendance of the students served in the contracting district, is required to be used for funding a consortium of at least three districts in a county with a population of less than 40,000 that is formed to support a technology initiative.

(b) A district that executes an agreement under Subsection (a)(3) must pay full market value for any good or service the district obtains through the consortium.

Explanation: This change is necessary to permit districts that participate in certain technology consortiums to receive certain benefits in connection with the purchase of attendance credits under Subchapter D, Chapter 41, Education Code.

(7) Senate Rule 12.03(1) is suspended to permit the committee to add Section 42.007(c), Education Code, to read as follows:

(c) The funding elements must include:

(1) a basic allotment for the purposes of Section 42.101 that, when combined with the guaranteed yield component provided by Subchapter F, represents the cost per student of a regular education program that meets all mandates of law and regulation;

(2) adjustments designed to reflect the variation in known resource costs and costs of education beyond the control of school districts;

(3) appropriate program cost differentials and other funding elements for the programs authorized under Subchapter C, with the program funding level expressed as dollar amounts and as weights applied to the adjusted basic allotment for the appropriate year;

(4) the maximum guaranteed level of qualified state and local funds per student for the purposes of Subchapter F;

(5) the enrichment and facilities tax rate under Subchapter F;

(6) the computation of students in weighted average daily attendance under Section 42.302; and

(7) the amount to be appropriated for the school facilities assistance program under Chapter 46.

Explanation: This change is necessary to conform Section 42.007(c), Education Code, to Chapters 42 and 46, Education Code, as amended and added by H.B. No. 4.

(8) Senate Rules 12.03(1) and (4) are suspended to permit the committee to amend Section 42.302(b), Education Code, to read as follows:

(b) In computing the district enrichment and facilities tax rate of a school district, the total amount of taxes collected by the school district does not include the amount of:

(1) the district's local fund assignment under Section 42.252; [or]

(2) taxes collected to pay the local share of the cost of an instructional facility for which the district receives state assistance under Chapter 46 [Subchapter H]; or

(3) taxes paid into a tax increment fund under Chapter 311, Tax Code.

Explanation: This change is necessary to conform Section 42.302(b)(2), Education Code, to Chapters 42 and 46, Education Code, as amended by H.B. No. 4, and to remove taxes paid by a school district into a tax increment fund from the computation of the district's effective tax rate for purposes of Tier 2 of the Foundation School Program.

(9) Senate Rule 12.03(4) is suspended to permit the committee to add Section 11.13(s), Tax Code, to read as follows:

(s) Notwithstanding Subsection (n), an exemption under that subsection for the 1997 tax year adopted by the board of trustees of a school district before July 1, 1997, is valid. This subsection expires January 1, 1999.

Explanation: This change is necessary to permit the board of trustees of a school district to adopt an optional residence homestead exemption for the 1997 tax year after May 1, 1997, which is the date by which the exemption must be adopted under Section 11.13(n), Tax Code.

(10) Senate Rule 12.03(4) is suspended to permit the committee to repeal Section 42.351, Education Code.

Explanation: This change is necessary to repeal the requirement that the State Board of Education establish and update a statewide inventory of school facilities.

(11) Senate Rule 12.03(4) is suspended to permit the committee to add SECTION 31 to read as follows:

SECTION 31. The amendment by this Act of Section 42.101, Education Code, does not affect the change in the basic allotment under that section made by H.B. No. 4, Acts of the 75th Legislature, Regular Session, 1997.

Explanation: This change is necessary to avoid conflicting language in Section 42.101, Education Code, as amended by S.B. No. 1873 and H.B. No. 4.

(12) Senate Rules 12.03(1) and (4) are suspended to permit the committee to add SECTION 32 to read as follows:

SECTION 32. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1997.

(b) Section 6 of this Act takes effect September 1, 1997, but only if the constitutional amendment proposed by H.J.R. No. 4, 75th Legislature, Regular Session, is approved by the voters. If the proposed constitutional amendment is not approved by the voters, Section 6 of this Act has no effect.

Explanation: This change is necessary to make the addition of Section 30.003(h), Education Code, contingent on adoption of the constitutional amendment proposed by H.J.R. No. 4.

The resolution was read and was adopted by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Ellis, Gallegos.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 1873 ADOPTED**

Senator Bivins called from the President's table the Conference Committee Report on **SB 1873**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Bivins, the Conference Committee Report was adopted by a viva voce vote.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 414 ADOPTED**

Senator Moncrief called from the President's table the Conference Committee Report on **SB 414**. The Conference Committee Report was read and was filed with the Senate on Friday, May 30, 1997.

On motion of Senator Moncrief, the Conference Committee Report was adopted by a viva voce vote.



**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2384 ADOPTED**

Senator Fraser called from the President's table the Conference Committee Report on **HB 2384**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Fraser, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2837 ADOPTED**

Senator Ellis called from the President's table the Conference Committee Report on **HB 2837**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Ellis, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**SENATE RESOLUTION 991**

Senator Ratliff offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 75th Legislature, Regular Session, 1997, That Senate Rules 12.03 and 12.04 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 1898** to consider and take action on the following specific matters:

(1) Senate Rule 12.04(5) is suspended to permit the committee to add the following item of appropriation that is not included in either the house or senate version of the bill:

**SECTION 17. TEXAS A&M UNIVERSITY SYSTEM ADMINISTRATIVE AND GENERAL OFFICES.** In addition to other amounts appropriated for the fiscal biennium beginning September 1, 1997, the sum of \$2,500,000 is appropriated from the general revenue fund to the Board of Regents of The Texas A&M University System for that biennium for the purpose of funding scholarships for needy students. The board of regents shall allocate the appropriation made by this section to degree granting components of The Texas A&M University System on the basis of need, considering all other funding sources and other information as determined by the board.

Explanation: This addition is necessary to fund scholarships for needy students at The Texas A&M University System.

(2) Senate Rule 12.04(5) is suspended to permit the committee to add the following item of appropriation that is not included in either the house or senate version of the bill:

**SECTION 18. GOVERNOR.** In addition to amounts previously appropriated for the current biennium, the sum of \$2,000,000 out of the general revenue fund is appropriated to the Office of the Governor for the two-year period beginning on the effective date of this Act for the purpose of providing disaster funding to units of local government and other eligible entities.

Explanation: This addition is necessary to provide additional funding for disaster preparedness and relief.

(3) Senate Rule 12.04(5) is suspended to permit the committee to add the following item of appropriation that is not included in either the house or senate version of the bill:

SECTION 19. AMENDMENT. Article II, House Bill No. 1, Acts of the 75th Legislature, Regular Session, 1997, is amended by adding the following rider provisions below the appropriations to the Department of Health: . . .

CONTINGENCY FOR HOUSE BILL 1875. Contingent on the enactment of House Bill 1875 or similar legislation by the 75th Legislature, Regular Session, 1997, relating to the imposition and use of certain fees imposed on certain milk and milk products, the Texas Department of Health is appropriated, out of additional revenues collected under House Bill 1875, the amounts of \$420,000 for the fiscal year beginning September 1, 1997, and \$420,000 for the fiscal year beginning September 1, 1998, for the purpose of dairy regulation.

Explanation: This addition is necessary to provide additional funding for dairy regulation.

(4) Senate Rule 12.04(5) is suspended to permit the committee to add the following item of appropriation that is not included in either the house or senate version of the bill:

SECTION 20. AMENDMENT. Appropriation item A.2.8., page III-35, Article III, House Bill No. 1, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows: A.2.8. Strategy: LAMAR UNIV-PORT ARTHUR \$326,429 \$332,957 [~~A.2.8. Strategy: LAMAR UNIV-PORT ARTHUR \$217,970 \$222,329~~]

Explanation: This addition is necessary to provide funding for employees' group insurance contributions at a certain institution of higher education.

(5) Senate Rule 12.03(4) is suspended to permit the committee to add the following text on a matter that is not included in either the house or senate version of the bill:

SECTION 21. AMENDMENT. Rider No. 2, page IV-12, Article IV, House Bill No. 1, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

2. CONTINGENCY APPROPRIATION FOR SENATE BILL 1417. Contingent upon enactment of Senate Bill 1417, or similar legislation, by the Seventy-fifth Legislature, Regular Session, the Office of Court Administration is hereby appropriated an amount not to exceed \$2,193,954 in fiscal year 1998 and \$2,774,955 in fiscal year 1999 out of receipts collected pursuant to Senate Bill 1417 [~~for the purpose of implementing that Act~~]. In no event shall the appropriation exceed the revenues generated by Senate Bill 1417, or similar legislation. The Office of Court Administration is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategy items listed above. Funds appropriated by this provision may be expended for capital budget purposes notwithstanding limitations on capital budget expenditures elsewhere in this

Act. Also contingent on the enactment of Senate Bill 1417, or similar legislation, the "Number of Full-time Equivalent Positions (FTE)" figure indicated above is hereby increased by 29 for fiscal year 1998 and by 29 in fiscal year 1999.

**Explanation:** This addition is necessary to correct an inconsistency in the language providing the purpose of an appropriation to the Office of Court Administration.

(6) Senate Rule 12.04(5) is suspended to permit the committee to add the following item of appropriation that is not included in either the house or senate version of the bill:

SECTION 22. AMENDMENT. Rider No. 2, page IV-19, Article IV, House Bill No. 1, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

2. APPROPRIATION SOURCE, PUBLIC INTEGRITY UNIT. Out of the funds appropriated above in Item 10., \$1,571,172 [~~\$1,831,172~~] in fiscal year 1998 and \$1,600,745 [~~\$1,860,745~~] in fiscal year 1999 is appropriated specifically to facilitate motor fuel tax fraud and insurance fraud investigations by the Public Integrity Unit in the District Attorney's Office of the Fifty-third Judicial District. It is the intent of the Legislature that the funds specified in the Method of Financing as being appropriated out of the State Highway Fund No. 006 and the General Revenue Fund - Dedicated, Insurance Operating Account be allocated to the appropriation made above in Item 10. In no event shall the amount of general revenue funds allocated and/or granted to the Public Integrity Unit, other than the General Revenue Fund - Dedicated Insurance Operating Account Grants identified in this provision, exceed \$260,000 in any fiscal year of the biennium. In no event shall any funds appropriated above out of the Judicial Fund No. 573 be allocated to the Public Integrity Unit.

**Explanation:** This addition is necessary to reduce certain appropriations to the public integrity unit in the office of the district attorney of the 53rd Judicial District.

(7) Senate Rule 12.04(5) is suspended to permit the committee to add the following item of appropriation that is not included in either the house or senate version of the bill:

SECTION 23. COMPTROLLER: DISTRICT ATTORNEY SALARIES. Notwithstanding any limitations to the contrary in House Bill No. 1, Acts of the 75th Legislature, Regular Session, 1997, and if the comptroller makes the finding of fact described by Section 8, Article IV, of that Act, and the salary rates provided by that section take effect, the state salary payable to a felony prosecutor subject to the professional prosecutors law (Chapter 46, Government Code) shall be \$101,700 for the fiscal year beginning September 1, 1998.

**Explanation:** This addition is necessary to provide district attorneys under the professional prosecutors law with an increase in salary in the second year of the upcoming fiscal biennium.

(8) Senate Rule 12.04(5) is suspended to permit the committee to add the following item of appropriation that is not included in either the house or senate version of the bill:

**SECTION 24. COMPTROLLER: DEPUTY COURT CLERK SALARIES.** Notwithstanding any language to the contrary in House Bill No. 1, Acts of the 75th Legislature, Regular Session, 1997, the salary rate payable out of funds appropriated by that Act to an employee in the classified positions "C066 Chief Deputy Clerk, Court of Criminal Appeals" or "C068 Chief Deputy Clerk, Supreme Court" shall be governed by the salary rates established for salary group B14 in Article IX of that Act.

Explanation: This addition is necessary to provide appropriate salaries for chief deputy clerks of the state's two highest courts.

(9) Senate Rule 12.03(4) is suspended to permit the committee to add the following text on a matter that is not included in either the house or senate version of the bill:

**SECTION 27. PERFORMANCE MEASURES.** The Legislative Budget Board shall develop performance measures for the additional appropriations provided by this Act.

**SECTION 28. RECAPITULATION AMOUNTS AND TOTALS.** All recapitulation amounts and totals in House Bill No. 1, Acts of the 75th Legislature, Regular Session, 1997, shall be adjusted to incorporate the amendments made to that Act by this Act.

Explanation: This addition is necessary to permit the appropriations made by this Act to be treated as part of the overall state budget.

(10) Senate Rule 12.03(4) is suspended to permit the committee to add the following text on a matter that is not included in either the house or senate version of the bill:

**SECTION 29. REPEALER.** Riders No. 29 and 30, page VI-27, Article VI, House Bill No. 1, Acts of the 75th Legislature, Regular Session, 1997, are repealed.

Explanation: This addition is necessary to repeal contingent riders in the General Appropriations Act that are obsolete because the legislation to which they refer is no longer viable.

The resolution was read and was adopted by the following vote: Yeas 30, Nays 1.

Nays: Haywood.

#### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2914 ADOPTED**

Senator Galloway called from the President's table the Conference Committee Report on **HB 2914**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Galloway, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 371 ADOPTED**

Senator Armbrister called from the President's table the Conference Committee Report on **SB 371**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Armbrister, the Conference Committee Report was adopted by a viva voce vote.

#### RECORD OF VOTES

Senator Gallegos asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report.

Senator Brown asked to be recorded as "Present-not voting" on the adoption of the Conference Committee Report.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL 1898 ADOPTED

Senator Ratliff called from the President's table the Conference Committee Report on **SB 1898**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Ratliff, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 1.

Nays: Haywood.

Absent: Carona, Fraser, Luna, West.

#### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Sunday, June 1, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

#### THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 327**, Designating the National Cheerleaders Association's State of Texas Cheerleading Championship as the Official State Cheerleading and Dance Championship of Texas.

#### THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 793** (Viva-voce vote)

**HB 907** (Viva-voce vote)

**HB 951** (Viva-voce vote)

**HB 972** (145 Yeas 0 Nays 1 Present-not voting)

**HB 1107** (Viva-voce vote)

**HB 1150** (147 Yeas 0 Nays 1 Present-not voting)

**HB 1285** (Viva-voce vote)

**HB 1525** (Viva-voce vote)

**HB 1526** (Viva-voce vote)  
**HB 1550** (Viva-voce vote)  
**HB 1596** (Viva-voce vote)  
**HB 2001** (Viva-voce vote)  
**HB 2384** (Viva-voce vote)  
**HB 2437** (Viva-voce vote)  
**HB 2481** (Viva-voce vote)  
**HB 2697** (Viva-voce vote)  
**HB 2850** (145 Yeas 0 Nays 1 Present-not voting)  
**HB 2914** (145 Yeas 0 Nays 3 Present-not voting)  
**HB 3207** (Viva-voce vote)  
**HB 3540** (144 Yeas 0 Nays 2 Present-not voting)  
**SB 1** (140 Yeas 4 Nays 1 Present-not voting)  
**SB 20** (Viva-voce vote)  
**SB 30** (144 Yeas 0 Nays 1 Present-not voting)  
**SB 35** (Viva-voce vote)  
**SB 247** (Viva-voce vote)  
**SB 343** (Viva-voce vote)  
**SB 383** (146 Yeas 0 Nays 1 Present-not voting)  
**SB 385** (Viva-voce vote)  
**SB 414** (Viva-voce vote)  
**SB 862** (Viva-voce vote)  
**SB 875** (Viva-voce vote)  
**SB 932** (Viva-voce vote)  
**SB 1098** (Viva-voce vote)  
**SB 1100** (Viva-voce vote)  
**SB 1310** (143 Yeas 0 Nays 1 Present-not voting)  
**SB 1311** (Viva-voce vote)  
**SB 1425** (Viva-voce vote)  
**SB 1907** (141 Yeas 0 Nays 2 Present-not voting)

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2437 ADOPTED**

Senator Sibley called from the President's table the Conference Committee Report on **HB 2437**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Sibley, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 700 ADOPTED**

Senator Armbrister called from the President's table the Conference Committee Report on **SB 700**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Armbrister, the Conference Committee Report was adopted by a viva voce vote.

#### **RECORD OF VOTE**

Senator West asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report.

#### **STATEMENT OF LEGISLATIVE INTENT**

Senator Armbrister submitted the following statement of legislative intent on **SB 700**:

To clarify legislative intent underlying the changes made to Sec. 74.001, of the Property Code, in **SB 700**, this language is intended to provide that cities and counties are not obligated to comply with requirements of Chapter 74, Property Code with respect to property valued at less than one hundred dollars. It is the intent of the sponsors that property valued less than one hundred dollars be administered by cities and counties pursuant to new Chapter 76, Property Code.

It is the intent of the sponsors that cities and counties continue to follow Chapter 74 as to property valued more than one hundred dollars.

ARMBRISTER

(President in Chair)

#### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2517 ADOPTED**

Senator Shapleigh called from the President's table the Conference Committee Report on **HB 2517**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Shapleigh, the Conference Committee Report was adopted by a viva voce vote.

#### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**HB 4** (Signed subject to Art. III, Sec. 49a, Texas Constitution), **HB 298**, **HB 311**, **HB 768**, **HB 1200**, **HB 2017**, **HB 2088**, **HB 2098**, **HB 2133**, **HB 2339**, **HB 2394**, **HB 2542**, **HB 2913**, **HB 2948**, **HB 2981**, **HB 3019**, **HCR 219**, **HCR 312**, **HCR 318**, **HCR 320**, **HCR 322**, **HCR 324**, **HJR 4**, **HJR 104**

#### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2577 ADOPTED**

Senator Lucio called from the President's table the Conference Committee Report on **HB 2577**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Lucio, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 583 ADOPTED**

Senator Barrientos called from the President's table the Conference Committee Report on **HB 583**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Barrientos, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1284 ADOPTED**

Senator Gallegos called from the President's table the Conference Committee Report on **SB 1284**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Gallegos, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1440 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **SB 1440**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Wentworth, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1100 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **SB 1100**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Wentworth, the Conference Committee Report was adopted by a viva voce vote.

**STATEMENT OF LEGISLATIVE INTENT**

Senator Wentworth submitted the following statement of legislative intent on **SB 1100**:

**SB 1100** is not intended to restrict inspectors from adding information beyond the content of the standard form prescribed by the Texas Real Estate Commission to be used by real estate inspectors. The standard real estate inspector form required under **SB 1100** shall not restrict the opinion of the inspector, nor should it be used to withhold vital information from a buyer of real estate.

It is additional legislative intent that the Texas Real Estate Commission should consult with the Real Estate Inspector Advisory Committee in promulgating the real estate inspector standard form.

WENTWORTH



**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 370 ADOPTED**

Senator Armbrister called from the President's table the Conference Committee Report on **SB 370**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Armbrister, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 360 ADOPTED**

Senator Armbrister called from the President's table the Conference Committee Report on **SB 360**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Armbrister, the Conference Committee Report was adopted by a viva voce vote.

**SENATE RESOLUTION 996**

Senator Bivins offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 75th Legislature, Regular Session, 1997, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 517** to consider and take action on the following matter:

Senate Rule 12.03(1) is suspended to permit the committee to provide for the applicability of the Act as follows:

SECTION 4. This Act becomes effective with the 1997-1998 school year.

Explanation: This change is necessary to provide for the applicability of the entire Act rather than for just one section of the Act.

The resolution was read and was adopted by the following vote: Yeas 26, Nays 0.

Absent: Carona, Ellis, Harris, Lucio, West.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 517 ADOPTED**

Senator Bivins called from the President's table the Conference Committee Report on **SB 517**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Bivins, the Conference Committee Report was adopted by the following vote: Yeas 25, Nays 0.

Absent: Barrientos, Carona, Ellis, Harris, Luna, Sibley.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1486 ADOPTED**

Senator Bivins called from the President's table the Conference Committee Report on **SB 1486**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Bivins, the Conference Committee Report was adopted by a viva voce vote.

#### SENATE RESOLUTION 995

Senator Bivins offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 75th Legislature, Regular Session, 1997, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **SB 133** to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add new SECTION 19 of the bill to read as follows:

SECTION 19. Subsection (a), Section 59.003, Family Code, is amended to read as follows:

(a) Subject to Subsection (e), after a child's first commission of delinquent conduct or conduct indicating a need for supervision, the probation department may or the juvenile court may, in a disposition hearing under Section 54.04, assign a child one of the following sanction levels according to the child's conduct:

(1) for conduct indicating a need for supervision, other than conduct described in Section 51.03(b)(6) or a Class A or B misdemeanor, the sanction level is one;

(2) for conduct indicating a need for supervision under Section 51.03(b)(6) or a Class A or B misdemeanor, other than a misdemeanor involving the use or possession of a firearm, or for delinquent conduct under Section 51.03(a)(2) or (3), the sanction level is two;

(3) for a misdemeanor involving the use or possession of a firearm or for a state jail felony or a felony of the third degree, the sanction level is three;

(4) for a felony of the second degree, the sanction level is four;

(5) for a felony of the first degree, other than a felony involving the use of a deadly weapon or causing serious bodily injury, the sanction level is five;

(6) for a felony of the first degree involving the use of a deadly weapon or causing serious bodily injury or for an aggravated controlled substance felony, the sanction level is six or, if the petition has been approved by a grand jury under Section 53.045, seven; or

(7) for a capital felony, the sanction level is seven.

Explanation: This addition is necessary to clarify the sanctions that may be imposed for conduct indicating a need for supervision.

The resolution was read and was adopted by the following vote: Yeas 23, Nays 0.

Absent: Barrientos, Ellis, Harris, Haywood, Luna, Patterson, Sibley, Wentworth.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL 133 ADOPTED

Senator Bivins called from the President's table the Conference Committee Report on **SB 133**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Bivins, the Conference Committee Report was adopted by the following vote: Yeas 24, Nays 0.

Absent: Barrientos, Gallegos, Harris, Lucio, Luna, Sibley, West.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1856 ADOPTED**

Senator Wentworth called from the President's table the Conference Committee Report on **SB 1856**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Wentworth, the Conference Committee Report was adopted by the following vote: Yeas 23, Nays 0.

Absent: Barrientos, Gallegos, Harris, Lucio, Luna, Shapiro, Sibley, West.

**SENATE CONCURRENT RESOLUTION 93  
WITH HOUSE AMENDMENT**

Senator Wentworth called **SCR 93** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SCR 93** by striking lines 20-22 on page 1 and substituting the following:

"RESOLVED, That the 75th Legislature of the State of Texas hereby designate the first week of April 1997 and the first week of April 1998 each as Texas Natural Resources Week and encourage its observance throughout the state."

The amendment was read.

On motion of Senator Wentworth, the Senate concurred in the House amendment to **SCR 93** by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 228 ADOPTED**

Senator Armbrister called from the President's table the Conference Committee Report on **SB 228**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Armbrister, the Conference Committee Report was adopted by a viva voce vote.

(Senator Bivins in Chair)

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 841 ADOPTED**

Senator Cain called from the President's table the Conference Committee Report on **SB 841**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Cain, the Conference Committee Report was adopted by the following vote: Yeas 25, Nays 1.

Nays: Haywood.

Absent: Brown, Gallegos, Harris, Luna, West.

**CONFERENCE COMMITTEE REPORT ON  
SENATE JOINT RESOLUTION 43 ADOPTED**

Senator Cain called from the President's table the Conference Committee Report on **SJR 43**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Cain, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 0.

Absent: Brown, Harris, Luna, West, Whitmire.

**CONFERENCE COMMITTEE ON  
SENATE BILL 1120 DISCHARGED**

On motion of Senator Armbrister and by unanimous consent, the Senate conferees on **SB 1120** were discharged.

Question—Shall the Senate concur in the House amendment to **SB 1120**?

On motion of Senator Armbrister and by unanimous consent, the Senate concurred in the House amendment to **SB 1120** by a viva voce vote.

**SENATE CONCURRENT RESOLUTION 3  
WITH HOUSE AMENDMENTS**

Senator Patterson called **SCR 3** from the President's table for consideration of the House amendments to the resolution.

The Presiding Officer laid the resolution and the House amendments before the Senate.

**Amendment No. 1**

Amend **SCR 3** on page 1, line 21 by inserting "in Travis County" after the word "Houston" and before the word "subject."

Amend **SCR 3** on page 1, line 22 by inserting "for the official certificate of completion of the fellowship program and for no other monetary or other damages" after the word "Code" and before the semicolon.

**Floor Amendment No. 2**

Amend **SCR 3** Committee Amendment No. 1 by striking lines 2 and 3 on page 3.

The amendments were read.

On motion of Senator Patterson, the Senate concurred in the House amendments to **SCR 3** by a viva voce vote.

**SENATE CONCURRENT RESOLUTION 71  
WITH HOUSE AMENDMENT**

Senator Madla called **SCR 71** from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SCR 71** in the fourth resolving clause (page 2, lines 9-10, House committee printing), between "actual damages" and the semicolon, by inserting "not to exceed \$50,000, including any attorney's fees, court costs, and interest awarded".

The amendment was read.

On motion of Senator Madla, the Senate concurred in the House amendment to **SCR 71** by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1391 ADOPTED**

Senator Barrientos called from the President's table the Conference Committee Report on **HB 1391**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Barrientos, the Conference Committee Report was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2481 ADOPTED**

Senator Sibley called from the President's table the Conference Committee Report on **HB 2481**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Sibley, the Conference Committee Report was adopted by a viva voce vote.

**RECORD OF VOTE**

Senator Moncrief asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report.

**HOUSE CONCURRENT RESOLUTION 293**

The Presiding Officer laid before the Senate the following resolution:

**HCR 293**, Instructing the enrolling clerk of the House of Representatives to correct technical errors in **HB 1145**.

FRASER

The resolution was read.

On motion of Senator Fraser and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

**HOUSE CONCURRENT RESOLUTION 321**

The Presiding Officer laid before the Senate the following resolution:

**HCR 321**, Instructing the enrolling clerk of the House of Representatives to make a technical correction in **HB 3116**.

ELLIS

The resolution was read.

On motion of Senator Ellis and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

**HOUSE CONCURRENT RESOLUTION 305**

The Presiding Officer laid before the Senate the following resolution:

**HCR 305**, Instructing the enrolling clerk of the House of Representatives to make corrections in **HB 2049**.

MADLA

The resolution was read.

On motion of Senator Madla and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1395 ADOPTED**

Senator Lindsay called from the President's table the Conference Committee Report on **SB 1395**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Lindsay, the Conference Committee Report was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Ellis, Gallegos, Galloway, Haywood, Lindsay, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Wentworth, West, Whitmire, Zaffirini.

Nays: Duncan, Fraser, Harris, Lucio, Luna, Madla, Sibley, Truan.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 976 ADOPTED**

Senator Armbrister called from the President's table the Conference Committee Report on **HB 976**. The Conference Committee Report was read and was filed with the Senate on Saturday, May 31, 1997.

On motion of Senator Armbrister, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent: Barrientos.

**RECESS**

On motion of Senator Truan the Senate at 6:20 p.m. recessed until 8:00 p.m. today.

**AFTER RECESS**

The Senate met at 8:00 p.m. and was called to order by Senator Truan.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Sunday, June 1, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 334**, Honoring Harris County Commissioner Jim Fonteno for his development of a senior citizens program.

**HCR 336**, Instructing the enrolling clerk of the house to make a technical correction in **HB 1550**.

**THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:**

**HB 583** (Viva-voce vote)  
**HB 976** (143 Yeas 0 Nays 2 Present-not voting)  
**HB 1305** (Viva-voce vote)  
**HB 2272** (Viva-voce vote)  
**HB 2517** (Viva-voce vote)  
**HB 2577** (Viva-voce vote)  
**HB 2846** (82 Yeas 61 Nays 2 Present-not voting)  
**HB 3157** (143 Yeas 0 Nays 1 Present-not voting)  
**HB 3350** (Viva-voce vote)  
**SB 133** (144 Yeas 0 Nays 2 Present-not voting)  
**SB 360** (Viva-voce vote)  
**SB 370** (Viva-voce vote)  
**SB 371** (Viva-voce vote)  
**SB 382** (Viva-voce vote)  
**SB 384** (Viva-voce vote)  
**SB 517** (142 Yeas 0 Nays 2 Present-not voting)  
**SB 841** (Viva-voce vote)  
**SB 1253** (Viva-voce vote)  
**SB 1284** (Viva-voce vote)  
**SB 1395** (139 Yeas 3 Nays 1 Present-not voting)  
**SB 1419** (Viva-voce vote)  
**SB 1440** (Viva-voce vote)  
**SB 1486** (Viva-voce vote)  
**SB 1563** (Viva-voce vote)

**SB 1856** (132 Yeas 11 Nays 2 Present-not voting)

**SB 1873** (Viva-voce vote)

**SB 1898** (138 Yeas 0 Nays 5 Present-not voting)

**SJR 43** (143 Yeas 0 Nays 1 Present-not voting)

THE HOUSE HAS REFUSED TO ADOPT THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**SB 700** (59 Yeas 82 Nays 1 Present-not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 1542** (Viva-voce vote)

**HB 3522** (Viva-voce vote)

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

**HB 1550**

THE HOUSE HAS RECONSIDERED THE VOTE BY WHICH THE CONFERENCE COMMITTEE REPORT WAS ADOPTED, AND HAS AGAIN ADOPTED THE CONFERENCE COMMITTEE REPORT BY A RECORD VOTE OF 144 YEAS, 0 NAYS, 1 PRESENT-NOT VOTING.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

(President in Chair)

#### SENATE CONCURRENT RESOLUTION 114

Senator Ellis offered the following resolution:

WHEREAS, The State of Texas has authorized the use of federal Temporary Assistance for Needy Family (TANF) funds to help TANF recipients move from public assistance to gainful employment; and

WHEREAS, Seeking to meet federal work participation rates, the 75th Texas Legislature included in **HB 1** an appropriation for \$10 million of TANF federal funds in each year of the biennium to invest in long-term success employment strategies for TANF recipients; and

WHEREAS, **HB 1** specifies that \$6 million of those funds in each year of the biennium shall be used to develop the Self-Sufficiency Fund to work with employers and training organizations to provide training for targeted employment for TANF recipients; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby express its intent that the Texas Workforce Commission structure the Self-Sufficiency Fund to be used for grants to public community and technical colleges, community-based organizations, and state extension agencies for customized job training; and, be it further

RESOLVED, That the training program involve employers who will commit to hiring graduates and who will participate in setting curricula and standards for the program, which will be specifically designed to enable the recipients to find and apply for existing jobs; and, be it further



RESOLVED, That an entity that receives money from the Self-Sufficiency Fund for a training program shall work with employers to place graduates in positions with wages that are reasonably calculated to make those graduates independent of public assistance under Chapters 31 and 33 of the Human Resources Code; and, be it further

RESOLVED, That the funds may also be used for support services as necessary to enable participants to prepare for and participate in training activities and to make the transition from training activities to employment; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to the executive director of the Texas Workforce Commission.

The resolution was read.

On motion of Senator Ellis and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### HOUSE CONCURRENT RESOLUTION 327

The President laid before the Senate the following resolution:

**HCR 327**, Designating the National Cheerleaders Association's State of Texas Cheerleading Championship as the Official State Cheerleading and Dance Championship of Texas.

CARONA

The resolution was read.

On motion of Senator Carona and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### HOUSE CONCURRENT RESOLUTION 286

The President laid before the Senate the following resolution:

**HCR 286**, Encouraging the Texas Department of Health to develop and institute education and smoking cessation programs.

ZAFFIRINI

The resolution was read.

On motion of Senator Zaffirini and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### VOTE RECONSIDERED

On motion of Senator Sibley and by unanimous consent, the vote by which the Conference Committee Report on **SB 700** was adopted was reconsidered.

Question—Shall the Conference Committee Report on **SB 700** be adopted?

On motion of Senator Armbrister and by unanimous consent, the Senate conferees on **SB 700** were discharged.

Question—Shall the Senate concur in the House amendments to **SB 700**?

On motion of Senator Armbrister and by unanimous consent, the Senate concurred in the House amendments to **SB 700** by a viva voce vote.

#### **RECORD OF VOTE**

Senator West asked to be recorded as voting "Nay" on the motion to concur in the House amendments to **SB 700**.

#### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Sunday, June 1, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 335**, Instructing the enrolling clerk of the house to make technical corrections in **HB 1856**.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

#### **HOUSE CONCURRENT RESOLUTION 328**

The President laid before the Senate the following resolution:

**HCR 328**, Instructing the enrolling clerk of the House of Representatives to make corrections in **HB 1468**.

BIVINS

The resolution was read.

On motion of Senator Bivins and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### **SENATE CONCURRENT RESOLUTION 113**

Senator Brown offered the following resolution:

WHEREAS, **SB 359** has been adopted by the senate and the house of representatives; and

WHEREAS, The bill contains technical errors that need correction; now, therefore, be it

RESOLVED, That the enrolling clerk of the senate be instructed to correct Senate Bill No. 359 as follows:

(1) In SECTION 64 of the bill, in Subdivision (7), Subsection (b), Section 261.004, Family Code, as added by the bill, strike the reference to "Subdivision (5)" and substitute "Subdivision (6)".

(2) In SECTION 79 of the bill, in Section 262.2015, Family Code, as added by the bill, strike "Subchapter C, Chapter 263" and substitute "Subchapter D, Chapter 263".

(3) In SECTION 105 of the bill, in Subsection (e), strike "Section 111" and substitute "Section 106".

(4) In SECTION 108 of the bill, in Subsection (a), strike "Sections 81 and 82 and Sections 84 through 94" and substitute "Sections 76 and 77 and Sections 80 through 90".

(5) In SECTION 108 of the bill, in Subsection (b), strike "Sections 81 and 82 and Sections 84 through 94" and substitute "Sections 76 and 77 and Sections 80 through 90".

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### **HOUSE CONCURRENT RESOLUTION 326**

The President laid before the Senate the following resolution:

**HCR 326**, Instructing the enrolling clerk of the House of Representatives to make technical corrections in **HJR 31**.

PATTERSON

The resolution was read.

On motion of Senator Patterson and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### **HOUSE CONCURRENT RESOLUTION 329**

The President laid before the Senate the following resolution:

**HCR 329**, Instructing the enrolling clerk of the House of Representatives to make technical corrections to **HB 2909**.

PATTERSON

The resolution was read.

On motion of Senator Patterson and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### **HOUSE CONCURRENT RESOLUTION 323**

The President laid before the Senate the following resolution:

**HCR 323**, Instructing the enrolling clerk of the House of Representatives to make technical corrections to **HB 723**.

WENTWORTH

The resolution was read.

On motion of Senator Wentworth and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

**VOTE RECONSIDERED**

On motion of Senator Armbrister and by unanimous consent, the vote by which the Conference Committee Report on **SB 228** was adopted was reconsidered.

Question—Shall the Conference Committee Report on **SB 228** be adopted?

On motion of Senator Armbrister and by unanimous consent, the Senate conferees on **SB 228** were discharged.

Question—Shall the Senate concur in the House amendment to **SB 228**?

On motion of Senator Armbrister and by unanimous consent, the Senate concurred in the House amendment to **SB 228** by a viva voce vote.

(Senator Truan in Chair)

**MOTION TO ADOPT  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 3350**

Senator Sibley called from the President's table the Conference Committee Report on **HB 3350**. The Conference Committee Report was again read and filed with the Senate on Saturday, May 31, 1997.

Senator Sibley moved adoption of the Conference Committee Report.

Senator Patterson, at 8:42 p.m., was recognized to speak on the Conference Committee Report.

(Senator Brown in Chair)

**POINT OF ORDER**

Senator Sibley raised a point of order that Senator Shapleigh was not asking a question, as he was recognized to do.

**POINT OF ORDER RULING**

The Presiding Officer ruled that Senator Shapleigh must follow the rules of the Senate.

(Senator Patterson resumed discussion of the Conference Committee Report on **HB 3350**)

**POINT OF ORDER**

Senator Sibley raised a point of order that Senator Shapleigh was not speaking to the point.

**POINT OF ORDER RULING**

The Presiding Officer ruled that Senator Shapleigh must speak to the point.

**(Senator Patterson resumed discussion of the Conference Committee Report on HB 3350)**

**(Senator Ratliff in Chair)**

**POINT OF ORDER**

Senator Sibley raised a point of order that Senator Lucio was making remarks and was not asking questions.

**POINT OF ORDER RULING**

The Presiding Officer ruled that Senator Lucio must follow the rules of the Senate.

**(Senator Patterson resumed discussion of the Conference Committee Report on HB 3350)**

**(Midnight)**

**(Monday, June 2, 1997)**

**POINT OF ORDER**

Senator Luna raised a point of order against further consideration of the Conference Committee Report on **HB 3350** stating that the time was 12:01 a.m., it was the 140th day of the 75th Legislature, and according to the Senate Rules, legislation shall no longer be considered.

**POINT OF ORDER RULING**

The Presiding Officer ruled that the point of order was well-taken and sustained.

**MEMORIAL RESOLUTIONS**

**SR 896** - by Truan: In memory of Emily Kay Murph of Dallas.

**SR 988** - by Nixon: In memory of the life of Paul Thomas Cook of Jasper.

**SR 989** - by Whitmire: In memory of Alexander Hieken of Houston.

**CONGRATULATORY RESOLUTIONS**

**SR 897** - by Truan: Commending Mary Rhodes of Corpus Christi.

**SR 990** - by West: Congratulating Larry Doby.

**SR 994** - by Barrientos: Congratulating Sheila Simmons of Austin.

**SR 997** - by Fraser: Commending Joe M. Pirtle of Belton.

**SR 998** - by Brown: Commending Jacklynn Eason of Brazoria County.

**SR 999** - by Brown: Commending Bluebell Sanders of Lake Jackson.

**SR 1000** - by Zaffirini: Commending the Comal County Juvenile Residential Supervision and Treatment Center.

**HCR 186** - (Bivins): Honoring the Confederate Air Force, Desert Squadron, on the occasion of their fifth annual fly-in.

**MISCELLANEOUS RESOLUTION**

**HCR 295** - (Moncrief): Recognizing the Resource Connection of Tarrant County.

**ADJOURNMENT**

On motion of Senator Truan the Senate at 12:10 a.m. adjourned until 10:00 a.m. today.